IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Justin Mortensen et al.   Docket No.: LSI.74US01 (03-0840)

Application No.:   10/621,085   Examiner: Giovanna B. Colan

Filed: July 15, 2003   Group Art Unit: 2162

For: DATA MANAGEMENT USING DISPERSED AND DISPARATE
       DATABASES

Mail Stop Appeal Brief - Patents
Assistant Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Honorable Board of Appeals:

Appellants respond to the Examiner's Answer dated April 29, 2008 as follows:

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REMARKS

A and B: In Section (10), Response to Argument, of the subject Examiner's Answer, the Examiner disagreed with appellants' argument that the applied art fails to disclose the claimed limitation: "converting ... without content change of said requested file." The Examiner stated that the combination of Cianfrocca et al. in view of Ananian et al. discloses all the limitations as discussed above including translating the content (Col. 5, lines 29-30, "The analog plans can first be scanned at a resolution sufficient to ensure accurate data translation of the plan set."; Col. 6, lines 25-28," The profiling engine 30 of the present invention can translate the complex graphical and engineering information within AEC/CAD files to the user-friendly format of the enhanced profile database ...", Ananian). The Examiner then submitted that: according to the Academic Press Dictionary of Science and Technology (1992) from Elsevier Science & Technology, "translate" means: "1. To convert from one computer language to another. 2. Generally, to convert information from one form to another without altering meaning or function.".

The Examiner continued that the combination of Cianfrocca et al. in view of Ananian et al. does not expressly disclose: without content change of said requested file. Therefore, the Examiner presented the third reference Shapiro which discloses converting files to formats without content change of said requested file. Specifically, the Examiner stated that Shapiro discloses the limitation: "without content change" (Fig. 5, and 6, "Source Artwork ENGLISH", and "Target translated Artwork FRENCH", Pages 4-6, paragraphs [0051], [0067], and [0072], lines 1-20, 9-13, and 8-11, "... the Extractor adds an attribute whose value corresponds to the sequential identification number and which **does not cause a change to the appearance of the object in the Artwork file ...**" (Emphasis added); and further" ... when translating from one language to another, the size of print (point size) may need to decrease, or increase, **to preserve the same legibility of original text ...**" (Emphasis added); respectively, Shapiro).

Indeed, an analog plan **53** can first be scanned at a resolution sufficient to ensure accurate data translation of the plan set. However, appellants wish to point out that analog plan **53** is input into the plan standardization **60**, as is set forth in Col. 5, lines 22-23 of Ananian et al. Further, lines 1-8 of Col. 5 of Ananian et al. states: "In a plan set standardization **60** which is a function contained within the interactive profiling system **10** of the present invention, the plan set **50** is converted to a standardized data set, as detailed in FIG. 3. The profiling engine **30** of the enhanced profiling system then converts the standardized data set into the enhanced profile database **40**, which is built in a format that is compliant with an 'enhanced data protocol.'"

The Abstract of Ananian et al. recites: "A method for generating an interactive profile of a structure, such as a building, employing an interactive profile system ... A plan set, usually in a CAD format, is received into the interactive profile system, typically submitted by the user or client. ... The plan set is converted to a profile data set by the profiling engine. ... The profiling engine performs a systematic enhancement of the plan set, building upon the elemental physical descriptions of the plan set. ... The user directs a profile query to the application engine of the interactive profile system. ... ." (Emphasis added by appellants.).

Ananian et al., beginning in Col. 2, line 62 and ending on Col. 3, line 8, sets forth: "To expand the received plan set into the building's profile database, the plan set is converted to a profile data set by the profiling engine. The profile data set is compliant with an enhanced data protocol, which is a specific format for organizing the profile data set in a standardized array. The profiling engine 'parses' or extracts, the profile data set to develop and link the plurality of potentially interrelated building components to develop a plurality of interrelated components. The profiling engine performs a systematic enhancement of the plan set, building upon the elemental physical description of the plan set. Each element of the physical description is functionally analyzed for relational attributes and then expanded. Links are created within the profile data set, between related components." (Emphasis added by appellants.).

Therefore, although the Examiner has used the dictionary meaning of "translate," as converting information from one form to another without altering meaning or function, the quotations from Ananian et al. in the previous two paragraphs, make it abundantly clear that **the plan set submitted by the user is modified by the profiling engine of Ananian et al.**

Column 4, lines 57-60 of Ananian et al. state: "The generation of the interactive, enhanced profile database **40** is a key element of the present invention. To begin the formulation of the enhanced profiles, a plan set **50** is received into the interactive profile system **10**." In Col. 6, lines 39-46, of Ananian et al. it is stated: "For the present invention, the enhanced data protocol is an internally standardized profile database format that enables the plan set **50** to be expanded and utilized by the interactive profile system **10**. … The plan set is converted to the standardized data set by the profiling engine **30** of the interactive profile system." (Emphasis added by appellants.).

Column 13, lines 15-37 recite: "The user **25** can direct a profile query **177** to the application engine **20** of the interactive **16** profile system **10**, as shown in FIG. 1. The term "query" is broadly interpreted to include requests to modify records of the enhanced profile database. … Therefore, the term "query" can also apply to an inquiry into the enhanced profile database, relating to a specific component or to the interrelationship between one or more building components. The application engine **20** responds to the profile query **177** with a profile response **178**. The profile response includes a listing of at least one of the plurality of interrelated elements of the enhance profile database **40**. These interrelated elements can be associated, related or grouped in any report format that the user **25** requires. The profile response to the profile query is sent to the user, preferably over the Internet to the web browser of the user." (Emphasis added by appellants.). Column 14, lines 34-44, state: "After the application engine **20** receives the profile query **177** from the user **25**, the application engine then generates a search based upon the profile query. The profile query may be a request for a listing of component or a "what if" request. The application engine preferably transmits to profile results **178** of the profile query in the form of a

report. If, however, the user **25** submits a profile query **177** that modifies a record **170**, as would be performed if the user requires or desires a change to a component of the project **130**, a data set revision **120** order can be generated by the application engine **20**, as shown in FIG. 1." (Emphasis added by appellants.).

Thus, in the principal embodiment of the invention of Ananian et al., the user receives a report from the interactive profiling system in response to a user inquiry. Moreover, the user's original plan is converted to a standardized data set, which may be very different from what was originally submitted by the user.

In Col 20, lines 2-11, of Ananian et al. it is stated that: "As an alternative embodiment of the present invention, the interactive profiling system **10** can export the profiled plan set **50**, preferably in CAD format, so that the user **25** can call up the plan from within a profile manager if they ever need to review it for future projects. After subscribing to the interactive profiling system, the user can access any user-submitted plan set **50**, which are all available in CAD format, or any other appropriate format, for export. The exported CAD file can also be helpful to the builder during the project management phase." (Emphasis added by appellants.). If requested by the user, the profiled plan set **50** may be sent to the user. This plan is **not** plan set **50**, originally sent by a user, whereas subject claim 1, as amended, recites that the user is sent a requested file converted into transmittable form, not one that is "profiled" or otherwise modified, as required by the teachings of Ananian.

Thus, since the user cannot manage CAD data in a plurality of disparate and diverse databases without modification of the content thereof, appellants believe that Ananian et al. clearly teaches away from the present claimed invention. This is not in any manner remedied by the teachings of Cianfrocca et al. and appellants respectfully believe that the combination by the Examiner of Cianfrocca et al. with Ananian et al. as proposed by the Examiner does not render obvious the present claimed invention.

The Examiner stated that the combination of Cianfrocca et al. in view of Ananian et al. does not expressly disclose without content change of said requested file, wherein the Examiner presented the third reference Shapiro which

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discloses converting files to formats without content change of said requested file. The Examiner asserted that Shapiro discloses the limitation: "without content change" (Fig. 5, and 6, "Source Artwork ENGLISH", and "Target translated Artwork FRENCH", Pages 4-6, paragraphs [0051], [0067], and [0072], lines 1-20, 9-13, and 8-11, "... the Extractor adds an attribute whose value corresponds to the sequential identification number and which **does not cause a change to the appearance of the object in the Artwork file** ..." (Emphasis added); and further" ... when translating from one language to another, the size of print (point size) may need to decrease, or increase, **to preserve the same legibility of original text** ..." (Emphasis added); respectively, Shapiro).

Turning now to the Examiner's statements that: (1) the combination of Cianfrocca et al. in view of Ananian et al. does not expressly disclose: without content change of said requested file; and (2) Shapiro discloses converting files to formats without content change of said requested file (Fig. 5, and 6, "Source Artwork ENGLISH", and "Target translated Artwork FRENCH", Pages 4, 5, and 6, [0051], [0067], and [0072], lines 1-20, 9-13, and 8-11, respectively, of Shapiro), appellants wish to direct the Board's attention to the following paragraphs of Shapiro: (a) in the ABSTRACT, it is stated: "A method of transforming location based objects, such as text, included in a digital source Artwork file, for example a geographical map file, and creating a transformed target Artwork file. ... The required transformations are then operated on the extracted objects, party manually but also automatically creating a transformed second intermediate database, which is subsequently integrated with the source file to create a target file, which represents, for example, a new map with translated text on new layers." (Emphasis added by appellants.); (b) Paragraph [0001] states: "There are many software packages available for professional creation, layout and editing of drawings, illustrations and images, together with text, henceforth such hybrid documents will be generally referred to, as known in the art, as Artwork."; (c) Paragraph [0015] states: "The present invention deals with capabilities, limitations and deficiencies of currently available Artwork programs when the purpose is to externally apply changes in an efficient way, whether these

changes are, location attributes and/or style attributes of textual and non-textual objects to one or more objects in Artwork, **as well as to** externally add new objects to an existing Artwork file as a result of calculations or transformations externally applied to the original objects." (Emphasis added by appellants.); (d) Paragraph [0031] states: "Target language text may also require change of fonts, appropriate fonts may have to be selected, obtained and installed in the designer's computer. Additional operations may also be required from the Designer such as specifying, creating and naming new styles and layers. Text in one language is rarely similar to the same text in another language as to the number of characters and words. Designer intervention may further be required in order to manipulate target language text alignment, placement and attributes such as character size and weight, kerning etc." (Emphasis added by appellants.); and (e) Paragraph [0039] states: "Therefore, when changing the language of the Artwork file, for example when creating a new version of a map in another language, it may be advantageous not to start 'from scratch' from the original data and replace the text into the other target language via the GIS database, but from the then-final version of the Artwork file and introduce whatever language specific changes are necessary in that file. Recreating the map and introducing the same displacements, relocations and typographical changes to the elements in the map is very costly and inefficient. It is frequently more economical and therefore advisable to start with the artwork file, which already contains the necessary changes due to overlaps, collisions and like considerations, together with culture-driven changes, and to change that file according to the new requirements-be it translation into another language, a newer version, the correction of certain parameters and changes in some objects."

Paragraph [0051], cited by the Examiner states: "The object of the invention is to provide an integrated expert system for efficiently transforming location based objects, such as text or graphic objects, included in a digital source Artwork file, for example a geographical map file or a CAD design, and creating a transformed target Artwork file. The method is particularly

advantageous in <u>converting</u> geographical maps from one language to another, avoiding major re-editing of the source file, but keeping the appearance and quality of the location based translated text. The method include tools for extracting required location based objects, for example, text elements, form the source file, including all pertaining information into a first intermediate structured database, represented for the user as, for example, a table. The required transformations are then operated on the objects stored in the table, partly manually but also automatically creating a transformed second intermediate database, which is subsequently integrated with the source file to create a target file, which represents, for example, a new map with translated text objects <u>on new layers</u>." (Emphasis added by appellants.).

Thus, Shapiro does not merely teach the efficient transformation of location based objects to convert geographical maps from one language to another as suggested by the Examiner, but rather adds new objects and layers to an existing Artwork file as a result of calculations or transformations externally applied to the original objects. Article 2141.02 Differences Between Prior Art and Claimed Invention of the Manual Of Patent Examining Procedure, Section VI requires that a prior art reference must be considered in its entirety, i.e., as a <u>whole</u>, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983).

Appellants respectfully believe that the Examiner has mistakenly inferred that the word "translation" in Shapiro means converting from one computer language to another; rather, as used in Shapiro, "translation" means translation of written or spoken human readable language (for example, English to French). Appellants believe that Shapiro when translating from one language to another does indeed make changes to the content of the information involved, contrary to the assertions of the Examiner, and that this is **not** simply one embodiment of Shapiro.

The Examiner also stated that appellants' specification describes the limitation as translating (See for example: [0025], [0029], [0032], [0035],

specification of the disclosure). Appellants have used the word "translation" in the Specification as relating to **converting between computer languages where there is no substantial change in content thereof**.

Appellants respectfully restate a portion of the analysis presented in the subject Appeal Brief. Assuming, for the purpose of discussion, that Shapiro teaches that no changes are required in order to create a transformed target Artwork file, Ananian et al. requires that the plan set is converted to the standardized data set by the profiling engine **30** of the interactive profile system. By combining Shapiro with Ananian et al., then, the Examiner has created a combination which cannot work; that is, Ananian et al. requires a change to the original plan set, while the Examiner argues that Shapiro does not. Section 2145 of the Manual of Patent Examining Procedure states that: "It is improper to combine references where the references teach away from their combination."

Thus, appellants believe that the Examiner has failed to make a proper *prima facie* case for obviousness as is required under 35 U.S.C. 103(a) by combining the Ananian et al., Cianfrocca et al., and Shapiro references as described hereinabove.

C: The Examiner asserted in the Examiner's Answer that appellants' arguments are directed towards the rejection of the independent claims and reiterate deficiencies appellants feel were made in the rejection of these claims, but do not address any new points with regard to dependent claims 2-6, and 8-11. Therefore, the Examiner submited that if the rejection of the independent claims is deemed proper, the rejection of claims 2-6, and 8-11 should also be upheld. Appellants reserve the option to make arguments with regard to the validity of claims 2-6, and 8-11 in a continuation or continuation-in-part patent application if the rejection of these claims is upheld by this Honorable Board of Appeals.

D: The Examiner stated that the specific limitations: "**the user** is sent a requested file converted into transmittable form" and "the content of said files remains unaltered" are not currently recited in the claims and/or were added by the Amendment dated October 11, 2006. As stated by the Examiner in the Final

Office Action, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 Fed. Cir. 1993).

In response to the Examiner's assertion, appellants offer that the latter limitation was specifically added to claims 1 and 7 by the Preliminary Amendment dated October 11, 2006. Support for this limitation: may be found in the following citations from the subject Specification, as originally filed. First, on page 4, lines 14-17, it is stated that: "Those users with the appropriate permission may request CAD data through company firewalls, have **that** data retrieved, translated if necessary, and delivered simply and effectively in a process that was heretofore cumbersome and typically involved two people at each end of the transaction." (Emphasis added by appellants.). The use of the word "that" in this context, clearly indicates that the retrieved data are the very same CAD data that were requested. Moreover, page 5, lines 6-7, state: "The system of embodiment 100 may allow users from different companies to **share** files and information in a simple and easy manner."; and on page 7, lines 29-30 it is stated that: "Figure 2 illustrates an embodiment 200 of the present invention showing the interactions of various components of a system for **sharing** files." (Emphasis added by appellants.). In accordance with definitions provided by Google Search, meanings for the word "share" include: (a) use jointly or in common; (b) partake: have, give, or receive a share of; 'We shared the cake'; and (c) A resource made available to others across a network. The essence of these definitions is that "share" means using or receiving the **same** thing.

Further, on page 8, lines 5-9, of the Specification, as originally filed, it is stated that: "The communications service 216 may send a message to the second server 206 requesting the file, whereupon the second server 206 may retrieve the file from database 218 and either transmit the requested 220 file **directly** to the workstation plug-in 202 or send the requested file 222 to the communications service 216." (Emphasis added by appellants.). Google Search defines "directly" as: (a) without deviation; and (b) without anyone or anything

intervening. Therefore, the subject Specification teaches that files may be transmitted without change.

Thus, appellants believe that although the exact words "without content change of said requested file" do not appear as such in the subject Specification, as originally filed, the equivalent concepts and words are clearly present therein.

Addressing the recitation that "the user is sent a requested file converted into transmittable form", appellants wish to point out that the last 3 recitations in claim 1 state: "... sending a request from said clearinghouse server to said second database for said requested file; converting said requested file to a first transmittable format without content change of said requested file; and transmitting said requested file from said second database in said first transmittable format." Clearly, the requested file is transmitted to the clearinghouse server. In page 5, lines 8-10, of the subject Specification, as originally filed, states: "A clearinghouse server 110 may provide an index to each of the various databases and facilitate communication between the companies while allowing each company its freedom to operate independently." Although the word "user" does not appear in subject claims 1 and 7 since it is an unnecessary part of the recitation of the method, transmitting the requested file to the clearinghouse server which is recited in claim 1 as being located outside of the firewalls, along with the identification of the clearinghouse with users in the Specification clearly supports appellants' previous arguments. A similar argument may be made for claim 7.

Although the Examiner stated that the claims are interpreted in light of the Specification, limitations from the specification are not read into the claims (See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).), appellants wish to point out that the protocol for claim construction established in *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005), is that a person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but in the context of the entire patent, including the specification. Appellants therefore believe that the concept "the user is sent a requested file converted to transmittable form" is

clear from both the text of the claims and the description found in the subject Specification without reading the limitations of the Specification into the claims.

E: The Examiner disagreed with appellants' argument that Shapiro teaches away from the present invention and that the Examiner has improperly combined Shapiro with Cianfrocca et al. and Ananian.

On page 14 of the Office Action dated May 14, 2007, the Examiner stated in part that: "However, the combination of Cianfrocca with Ananian does not expressly disclose: without content change of said requested file. Therefore, the Examiner presented the third reference Shapiro which discloses converting files to formats without content change of said requested file." (Emphasis added by appellants.).   Starting with this statement by the Examiner as a premise, the Examiner has asserted that Shapiro explicitly discloses translating without modifying the content (Fig. 5, and 6, "Source Artwork ENGLISH", and "Target Translated Artwork FRENCH", Pages 4, 5, and 6, [0051]. [0067], and [0072], lines 1-20, 9-13, and 8-11,"... the Extractor adds an attribute whose value corresponds to the sequential identification number and which **does not cause a change to the appearance of the object in the Artwork file**..." (Emphasis added); and further"... when translating from one language to another, the size of print (point size) may need to decrease, or increase, **to preserve the same legibility of original text**..." (Emphasis added).   Appellants wish to point out that the portions of Shapiro underlined by the Examiner do not address the issue of whether the content of the files has been changed; that is, appearance and text legibility are merely two attributes of the graphic documents.   Moreover, the Examiner is merely picking and choosing language from Shapiro to support the Examiner's thesis.

Appellants wish to direct the Board's attention to paragraph [0051], wherein it is stated that: "The object of the invention is to provide an integrated expert system for efficiently transforming location based objects, such as text or graphic objects, included in a digital source Artwork file, for example a geographical map file or a CAD design, and creating a transformed target Artwork file. ... The required transformations are then operated on the objects

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stored in the table, partly manually but also automatically creating a transformed second intermediate database, which is subsequently integrated with the source file to create a target file, which represents, for example a new map with translated text objects on new layers." Turning to paragraph [0072] of Shapiro, it is stated that: "... Representation Rules 135 (group 25) are used to automatically change the Type Aspects and intrinsic attributes of objects due to different language, aesthetic constraints that require size change etc. i.e. when translating from one language to another, the size of print (point size) may need to decrease or increase, to preserve the same legibility of the original text. Such point size changes may require further changes such as leading, inter-letter space etc. ... ." (Emphasis added by appellants.).

The Examiner asserted that Col. 5, lines 29-30, of Ananian et al. states: "The analog plans can first be scanned at a resolution sufficient to ensure accurate data translation of the plan set.", and that Col. 6, lines 25-28, states: "The profiling engine 30 of the present invention can translate the complex graphical and engineering information within AEC/CAD files to the user-friendly format of the enhanced profile database ...", and included the Shapiro reference since it teaches translating (specifically, by converting without content change of the file). Appellants fail to understand how initially accurately scanning of data into the apparatus of Ananian et al. teaches that the apparatus of Ananian et al. does not later alter this data as described in detail by appellants hereinabove.

Also, the Examiner noted that the references do not criticize, discredit, or otherwise discourage the solution claimed, and that appellants should duly note that; "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed ..." *In re Fulton*, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). Appellants have duly noted the Examiner's precautionary statement, but again fail to understand how Shapiro when viewed in its entirety teaches that there is no content change to the files when requested by the user.

Appellants wish to point out that Shapiro actually does change the databases. First, in FIG. 5 and FIG. 6, the language is changed from English to French. Although someone fluent in both English and French might not be inconvenienced by such change, an individual who had no understanding of French would not understand parts of FIG 6. Therefore, appellants fail to understand the Examiner's position that the content of the database has not been changed. To a user, the map has gone from understandable to incomprehensible. Since French has a few words in common with those in English, for emphasis, consider the situation where the language was Chinese or Japanese, as examples.

Aside from the obvious changes in FIG. 5 and FIG. 6 of the actual languages associated with the map of Italy, paragraph [0072] teaches that the size of various items may be changed automatically in accordance with the teachings of Shapiro. Difficulties would be generated in a CAD program for an aircraft, as an example, since the parts would not fit together, and converting from one spoken language to another is to be distinguished from translating one computer language to another. Thus, appellants believe that the Examiner has improperly combined Shapiro with Ananian et al. and Cianfrocca et al. since Shapiro does not disclose the limitation "without modification of content," as suggested by the Examiner. Moreover, Shapiro clearly teaches modification of database content, and thereby teaches away from the present claimed invention.

As stated above, Article 2141.02 Differences Between Prior Art And Claimed Invention, Section VI. Prior Art Must Be Considered In Its Entirety, Including Disclosures That Teach Away From The Claims, of the Manual Of Patenting Examining Procedure states: "A prior art reference must be considered in its entirety, i.e., as a whole including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Appellants respectfully believe that the Examiner has not fully considered the teachings of Shapiro.

Article 2145, Consideration Of Applicant's Rebuttal Arguments, Section X.D.1. of the Manual Of Patent Examining Procedure states: "A prior art reference that teaches away from the claimed invention is a significant factor to be considered in determining obviousness; ... *In re Gurley*, 27 F.3d 551, 554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994). Since appellants respectfully believe that Shapiro teaches away from the present claimed invention, appellants believe that the Examiner has improperly combined Shapiro with Cianfrocca et al. and Ananian et al.

F: The Examiner stated that Shapiro discloses a suggestion for combining the references (Page 4, [0051], lines 1-9, Shapiro), and that a skilled artisan would have been motivated to make such combination to convert geographical maps from one language to another, avoiding major re-editing of the source file, but keeping the appearance and quality of the location based translated text; that there must be a reasonable expectation of success since the prior art suggests a successful outcome of this combination, such as, keeping the appearance and quality of the location based translated text; the applied references (Cianfrocca et al. in view of Ananian and further in view of Shapiro) teach features that are directed to the same industry field of database management systems, such as, converting CAD data files, and translation, and that this close relation between the applied references highly suggests an expectation of success; and the combination of Cianfrocca et al. in view of Ananian et al. and further in view of Shapiro discloses all the claim limitations disclosed in the claimed invention.

Appellants respectfully disagree with the Examiner that there would be any motivation to combine these references. As stated in paragraph [0051] of Shapiro, "The required transformations are then operated on the objects and stored in the table, partly manually but also automatically creating a transformed second intermediate database, which is subsequently integrated with the source file to create a target file, which represents, for example a <u>new</u> map with translated text objects on <u>new</u> layers." (Emphasis added by appellants.). Since, for the reasons set forth hereinabove, appellants again state that Shapiro does

indeed change the databases, and appellants respectfully believe that there would be no motivation for combining Shapiro with Ananian et al. and Cianfrocca et al. "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006).

Appellants respectfully request that the Honorable Board of Appeals consider this reply in response to the arguments set forth in the Examiner's Answer.

COCHRAN FREUND & YOUNG LLC

Dated this 30th day of June 2008:   By:
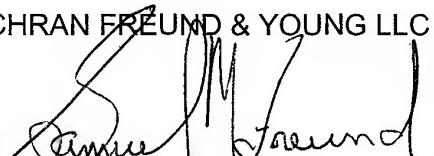
Samuel M. Freund
Reg. No. 30,459
2026 Caribou Drive, Suite 201
Fort Collins, Colorado 80525
Phone: (970) 492-1100
Fax: (970) 492-1101
Customer No.: 27479